

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Multicultural Radio Broadcasting)	File No. EB-06-IH-0824
Licensee, LLC)	FRN: 0010215812
)	NAL/Acct. No. 200832080010
Licensee of Station KAZN(AM))	Facility ID No. 10825
Pasadena, California)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: December 13, 2007

Released: December 13, 2007

By the Chief, Investigations and Hearings Division:

I. INTRODUCTION

1. In this *Notice of Apparent Liability for Forfeiture* (“NAL”), issued pursuant to Section 503(b) of the Communications Act of 1934, as amended (the “Act”),¹ and Section 1.80 of the Commission’s rules,² we find Multicultural Radio Broadcasting Licensee, LLC (“Multicultural”), licensee of Station KAZN(AM), Pasadena, California (the “Station”), liable for a monetary forfeiture in the amount of \$12,000 for its repeated and willful violation of Section 73.1216 of the Commission’s rules by failing to “fully and accurately disclose the material terms of contest[s] . . . and conduct the contest[s] substantially as announced or advertised.”³

II. BACKGROUND

2. The Commission received a complaint, dated January 8, 2006 (the “Complaint”), alleging that the Station failed to conduct three separate contests in accordance with their advertised material terms and the Commission’s rules.⁴ The first of these contests, the “Sunny Plaza Contest,” was a raffle held in conjunction with the grand opening of a local mall in the Summer of 2001.⁵ The second, the “Golden Nugget Contest,” was a call-in program in which listeners called in and were asked a question; and if they answered correctly, they were awarded a gift certificate for a three-day and two-night stay at the Golden Nugget Hotel and Casino in Las Vegas, Nevada. This second contest ran from April 17 through July 2, 2003, and a total of eight gift certificates were awarded during that period.⁶ The third contest, the “Station Anniversary

¹ See 47 U.S.C. § 503.

² See 47 C.F.R. § 1.80.

³ 47 C.F.R. § 73.1216.

⁴ See Letter from Complainant to Judy Lancaster, Attorney, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, dated January 8, 2006 (“Complaint”). Because the Complainant requested anonymity, we will not use the complainant’s name in this Order. A transcript of a portion of a recording that accompanied the Complaint is referenced herein as the “Transcript.”

⁵ See *id* at 1.

⁶ See Complaint at 2.

Contest,” was held during a Station event to celebrate the one-year anniversary of one of the Station’s radio programs. It was held at the Chinese Culture Center on August 17, 2003, and promoted on the air.⁷

3. Specifically, according to the Complaint, the Station broadcast the Sunny Plaza Grand Opening Event live and it was hosted by Station employee Kenny Ki and the Station’s Sales Manager, Ruby Kuen. The Complainant alleges that Ms. Kuen manipulated the prize drawings in the Sunny Plaza Contest so that the top four contest prizes were awarded to the four Station employees who were present at the event, which included Ms. Kuen herself.⁸ The Complainant also alleges that the Golden Nugget Contest was not conducted as advertised because Station employees and personal friends of Ms. Kuen purported to be members of the general listening audience for purposes of the contest, and that these individuals called into Ms. Kuen’s program from telephone lines located within the Station’s studio.⁹ The Complainant claims that Ms. Kuen then knowingly selected these employees and friends to win the Golden Nugget Contest prizes, to the detriment of the general listening audience.¹⁰ With respect to the Station Anniversary Contest, the Complainant alleges that five television sets were advertised as giveaway prizes for the contest, but that only one television set was awarded as a prize during that event.¹¹

4. Based on the allegations contained in the Complaint, the Enforcement Bureau (“Bureau”) sent a letter of inquiry (the “LOI”) to the Licensee on October 31, 2006.¹² The Licensee responded by letter dated January 3, 2007 (the “LOI Response”).¹³ In its LOI Response, Multicultural denies that the Station sponsored, planned, organized, or conducted the Sunny Plaza Contest.¹⁴ It states that the contest was sponsored by the Sunny Plaza shopping mall and conducted by Sunny Plaza staff, and that, contrary to the Complainant’s allegation, Station personnel did not receive any prizes.¹⁵ Multicultural claims that the “Station’s only involvement in the prize giveaway was limited to two of its deejays (Kenny Ki and Ruby Kuen) making the on-air announcement of the prize winners” from its on-site location during the event.¹⁶ Multicultural admits that a Station employee and the wife of another Station employee each participated in, and won, a prize in the Golden Nugget Contest, and that Ms. Kuen was given the winning prize by another winner in the Golden Nugget Contest.¹⁷ Multicultural claims that none of these prize

⁷ *See id.*

⁸ *See id.*

⁹ *See id.*

¹⁰ *See id.*

¹¹ *See id.* at 1. The Complaint included a recording of a Station promotion during which Ms. Kuen states that five television sets will be awarded as prizes in the Station Anniversary Contest.

¹² *See* Letter from Jennifer Lewis, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, to Multicultural Radio Broadcasting Licensee, LLC, dated October 31, 2006 (the “LOI”).

¹³ *See* Letter from Yvonne Liu to Marlene H. Dortch, Secretary, Federal Communications Commission, dated January 3, 2007 (the “LOI Response”).

¹⁴ *See* LOI Response at 1.

¹⁵ *See id.*

¹⁶ *See id.* at 8, Attachment A.

¹⁷ *See id.* at 2.

certificates was redeemed for a prize.¹⁸ In a statement attached to the LOI Response, Ms. Kuen states that she “was not in charge of the equipment, when a call-in number [was] blinking, [sic] she would not know who is calling in.”¹⁹ With respect to the Station Anniversary Contest, Multicultural acknowledges that it awarded only two (and not one, as alleged by the Complainant) of the five televisions advertised for the Station Anniversary Contest,²⁰ but argues that it is not responsible for that circumstance because the prize sponsor failed to deliver the five prizes as promised to the Station.²¹

5. Because the Licensee’s responses to the LOI were incomplete, the Bureau sent a supplemental letter of inquiry (“Supplemental LOI”) to the Licensee on March 19, 2007.²² Multicultural responded on March 30, 2007 (“Supplemental LOI Response”).²³ In its Supplemental LOI Response, Multicultural states that Station employees and their families and friends are not permitted to participate in or receive a prize in connection with any contest sponsored or broadcast by the Station.²⁴ Despite Multicultural’s discovery during its investigation of the allegations in this case that an employee and a family member of an employee were awarded prizes, the Licensee denies knowledge of any deviation from its policy.²⁵ Multicultural maintains that Station employees are informed of the policy by their supervisors and, in turn, are responsible for relaying this information to their families and friends.²⁶ Furthermore, Multicultural states:

[T]he Station has mandatory guidelines that require that the written rules for any on-air contest, promotion and give-away must include: a description of who is eligible to participate in the contest; a description of what will be required of contestants in order to be eligible for winning the prizes in the contest; an exact description of each prize to be awarded; clear and concise instructions about what a winner must do to claim his or her prize; and what information a prize winner must provide to the Station, or the holder of the prize, in order to claim the prize.”²⁷

¹⁸ *See id.*

¹⁹ *See id.* at 8, Attachment A.

²⁰ *See id.* at 2.

²¹ *See id.*

²² *See* Letter from Jennifer Lewis, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau to Multicultural Radio Broadcasting Licensee, Inc., dated March 19, 2007 (“Supplemental LOI”).

²³ *See* Letter from Yvonne S. Liu, Vice President and Assistant Secretary, Multicultural Radio Broadcasting Licensee, LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, dated March 30, 2007.

²⁴ *See* Supplemental LOI Response at 2-3.

²⁵ *See id.* (wherein the Licensee also admits that an additional contest prize was donated by a winner to another employee).

²⁶ *See id.* *See also id.* at 3 (“Ruby Kuen, Judy Lin, Kenny Ki, Sun Huang, Alice Liu and Ning Gao were notified of the policy by Kevin Chu . . .”).

²⁷ *See id.* at 2.

II. DISCUSSION

6. Section 503(b)(1) of the Communications Act of 1934, as amended (the “Act”), states that any person who willfully or repeatedly fails to comply with any provision of the Act or any rule, regulation, or order issued by the Commission shall be liable to the United States for a monetary forfeiture penalty.²⁸ In order to impose such a forfeiture penalty, the Commission must issue a notice of apparent liability, the notice must be received, and the person against whom the notice has been issued must have an opportunity to show, in writing, why no such forfeiture penalty should be imposed.²⁹ The Commission may then issue a forfeiture if it finds by a preponderance of the evidence that the person has violated the Act or a Commission rule.³⁰ As discussed below, we conclude that, under this standard, Multicultural is apparently liable for a forfeiture for its apparent willful and repeated violation of Section 73.1216 of the Commission's rules.

7. Section 73.1216 of the Commission's rules provides that “[a] licensee that broadcasts or advertises information about a contest it conducts shall fully and accurately disclose the material terms of the contest, and shall conduct the contest substantially as announced or advertised. No contest description shall be false, misleading or deceptive with respect to any material term.”³¹ Material terms “include those factors which define the operation of the contest and which affect participation therein.”³² Although the material terms may vary widely depending on the exact nature of the contest, they will generally include: “[instructions on] how to enter or participate; eligibility restrictions; entry deadline dates; whether prizes can be won; when prizes can be won; the extent, nature and value of prizes; basis for valuation of prizes; time and means of selection of winners; and/or tie-breaking procedures.”³³ While the time and manner of disclosure of the material terms of a contest are within the licensee's discretion, the Commission's contest rule dictates that “the obligation to disclose the material terms arises at the time the audience is first told how to enter or participate and continues thereafter” and that “[t]he material terms should be disclosed periodically by announcements broadcast on the station conducting the contest.”³⁴

8. Licensees, as public trustees, have the affirmative obligation to prevent the broadcast of false, misleading, or deceptive contest announcements,³⁵ and to conduct their contests

²⁸ See 47 U.S.C. § 503(b)(1).

²⁹ See 47 U.S.C. § 503(b); 47 C.F.R. § 1.80(f). See also *Saga Communications of New England, LLC*, Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 4206 (EB 2007); *NM Licensing LLC*, Notice of Apparent Liability for Forfeiture, 21 FCC Rcd 7916 (EB 2006) (forfeiture paid).

³⁰ See, e.g., *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7591, ¶ 4 (2002) (forfeiture paid).

³¹ 47 C.F.R. § 73.1216.

³² 47 C.F.R. § 73.1216, Note 1(b).

³³ *Id.*

³⁴ *Id.* In addition to the required broadcast announcements, disclosure of the material terms may be made in a non-broadcast manner. *Id.*

³⁵ See *WMJX, Inc.*, Decision, 85 FCC 2d 251, 269 (1981) (holding that proof of actual deception is not necessary to find violations of contest rules, and that the licensee, as a public trustee, has an affirmative obligation to prevent the broadcast of false, misleading or deceptive contest announcements); *Amendment of Part 73 of the Commission's Rules Relating to Licensee-Conducted Contests*, Report and Order, 60 FCC 2d 1072 (1976).

substantially as announced.³⁶ The Commission has noted that “[t]he standards are high, for while contests are particularly susceptible to abuse, abuses can be prevented by diligent licensee attention to the planning and the conduct of contests.”³⁷ Here, the evidence indicates that the station did not award prizes as announced in a certain contest. It also failed to exercise diligence in conducting another contest when station employees manipulated the process to benefit themselves or their relatives and friends, in violation of the contest rules. Below, we analyze each of the three contests – the Sunny Plaza Contest, the Golden Nugget Contest, and the Station Anniversary Contest.

9. **Sunny Plaza Contest.** The Licensee denies the Complainant’s allegations regarding the Sunny Plaza contest. It states that it did not conduct the contest, and its only involvement was announcing the contest winners.³⁸ Multicultural’s statement that it was hired only to broadcast the Sunny Plaza event, including the contest drawing, and that it did not conduct or sponsor the contest is confirmed by the overall record evidence.³⁹ Accordingly, because this contest is not a licensee-conducted contest under Section 73.1216, we deny the Complaint with respect to this contest.

10. **Golden Nugget Contest.** In response to our LOI request for all available information and documentation regarding the material terms of the Golden Nugget Contest, the Licensee submitted only a memorandum outlining the Golden Nugget Contest promotions that were aired over the Station.⁴⁰ Multicultural contends that this memorandum is a copy of its rules for several contests⁴¹; however, the memorandum does not provide most of the material terms of the contests. Specifically, it does not discuss eligibility requirements, including whether Station employees and their families were eligible to enter or win prizes in the contests. Although Multicultural claims to have broadcast contest rules for the Golden Nugget Contest prior to contest drawings, it acknowledges that eligibility was not addressed. It is clear from the Commission’s contest rule that eligibility restrictions are material terms that must be announced. The Station’s argument that employees are expected to know they are ineligible is unavailing since the rules require announcement, which the Station admittedly failed to do.⁴²

³⁶ See *Headliner Radio, Inc.*, Memorandum Opinion and Order, 8 FCC Rcd 2962 (Mass Media Bur. 1993) (finding that the airing of a misleading advertisement concerning a licensee’s contest violated the Commission contest rules because the contest was not then conducted “substantially as announced or advertised”); *Lincoln Dellar*, Memorandum Opinion and Order, 8 FCC Rcd 2582, 2585 (Mass Media Bur. 1993) (finding that the cancellation of a pre-announced contest violated the pertinent Commission rules because the contest was not then conducted “substantially as announced”).

³⁷ *Honeyradio, Inc.*, Memorandum Opinion and Order, 69 FCC 2d 833 (1978), quoting *Licensee-Conducted Contests*, Proposed Rulemaking, 40 Fed. Reg. 26692 (1975) (holding licensee responsible for mistakes made during its conduct of a contest, and affirming forfeiture and denying petition for reconsideration of a letter of admonishment for violation of the Commission’s rules).

³⁸ See *id.* 1, 3 (Multicultural denies that Station employees received prizes from the Sunny Plaza Contest). See *id.*

³⁹ See *id.* at 1.

⁴⁰ See *id.* at Attachment B.

⁴¹ See *id.* at 2.

⁴² See 47 C.F.R. § 73.1216, Note 1(b).

11. Furthermore, even if we assume that the Station was diligent in announcing its eligibility restrictions, it appears the Station's employees manipulated the results of the contest despite any countervailing rule. Multicultural admits that at least two prize certificates for a three-day and two-night stay at the Golden Nugget Hotel and Casino in Las Vegas were given to ineligible participants: (1) Zhang Hai-Hong, the wife of Station employee Ning Gao; and (2) Judy Lin, a sales associate at the Station.⁴³ This result was to the ultimate detriment of members of the listening public who participated in the contest, a violation of the rules Multicultural asserts governed all its contests.

12. In the LOI Response, Station Sales Manager Ruby Kuen denies knowing the identities of the people calling in to the program she hosted in order to participate in the Golden Nugget Contest. This does not change the fact that the Station awarded prizes to ineligible participants or the fact that at least one of the participants was an employee and therefore an agent of the Station.⁴⁴ Multicultural argues that the award of the prize certificates to the ineligible participants does not violate our contest rule because the prize certificates were not redeemed.⁴⁵ Even if true, the Commission's rules were still violated because the Station failed to conduct its contest in conformity with its own contest rules. Further, we note that the record does not demonstrate that Multicultural ever awarded these prizes to eligible participants, effectively reducing the advertised number of contest prizes.⁴⁶ Given the foregoing, we find that the Licensee failed to conduct the Golden Nugget Contest in accordance with the material terms of that contest, failed to disclose all material terms, and failed to conduct the contest substantially as advertised, in violation of Section 73.1216.

13. **Station Anniversary Contest.** The Licensee admits that it promoted the Station Anniversary Contest by advertising that it would award five televisions as contest prizes, but that, in actuality, only two televisions were awarded.⁴⁷ The Licensee's justification for its failure is that the prize donor donated only two televisions instead of the five that were promised.⁴⁸ A prize donor's failure to honor its promise to a station, however, does not relieve the station of its duty to

⁴³ See LOI Response at 2, Attachment A (which also notes that an unidentified participant gave his or her prize to Ms. Kuen, the host of the Station program broadcasting the contest).

⁴⁴ See *id.* at Attachment A.

⁴⁵ See *id.*

⁴⁶ See 47 C.F.R. § 73.1216, Note 1(b). See also *Capstar TX Limited Partnership*, Notice of Apparent Liability for Forfeiture, 20 FCC Rcd 10636 (Enf. Bur. 2005) (forfeiture paid) (overstating the value of a contest prize violates Section 73.1216); *Clear Channel Broadcasting Licenses, Inc.*, Notice of Apparent Liability for Forfeiture, 21 FCC Rcd 6808 (Investigations & Hearings Div. 2006) (forfeiture paid) ("In enforcing [Section 73.1216], the Enforcement Bureau has repeatedly held that licensees are responsible for broadcasting accurate statements as to the nature and value of contest prizes, and will be held accountable for any announcement that tends to mislead the public."); *Duchossois Communications Company of Maryland, Inc.*, Notice of Apparent Liability for Forfeiture, 11 FCC Rcd 5785 (1996) (finding that a licensee violated Section 73.1216 by (1) failing to award all prizes advertised; and (2) when the Licensee gave station employees tickets that had been advertised as prizes for the public); *Randall T. Odeneal*, Notice of Apparent Liability, 7 FCC Rcd 4474 (MMB 1992) (finding a violation of Section 73.1216 when only part of a contest's prize money was awarded because the non-licensee responsible for paying the prize money did not do so).

⁴⁷ See Transcript, *supra* note 4.

⁴⁸ See *id.*

conduct a contest as advertised and to honor its promise to the public.⁴⁹ The “extent, nature and value of prizes” are material terms under Section 73.1216,⁵⁰ and, consequently, the number of televisions awarded is a material term of the Station Anniversary Contest.⁵¹ We therefore find that the Licensee failed to conduct its Station Anniversary Contest substantially as advertised and, thus, violated Section 73.1216.

14. In sum, we find that Multicultural willfully and repeatedly violated Section 73.1216 of the Commission’s rules in the Golden Nugget Contest and the Station Anniversary Contest. Specifically, Multicultural violated Section 73.1216 with respect to the Golden Nugget Contest when it failed to announce eligibility requirements for the contest and when it awarded prizes to Station employees and their families and friends in at least two instances. We also find that Multicultural violated Section 73.1216 with respect to the Station Anniversary Contest when it failed to conduct the contest substantially as advertised, awarding two prizes instead of five.

15. The Commission’s Forfeiture Policy Statement and Section 1.80 of the Commission’s rules specify a base forfeiture amount of \$4,000 for violation of Section 73.1216.⁵² In assessing the monetary forfeiture amount, we must take into account the statutory factors set forth in Section 503(b)(2)(D) of the Act,⁵³ which include the nature, circumstances, extent, and gravity of the violation, and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require. Here, we find that the Licensee apparently violated Section 73.1216 of the Commission’s rules multiple times in two distinct contests. Further, the Forfeiture Policy Statement and Section 1.80 of the Commission’s rules provide that base forfeitures may be adjusted based upon consideration of the factors enumerated in Section 503(b)(2)(D) of the Act and Section 1.80(a)(4) of the Commission’s rules which include, among other reasons, egregious misconduct, intentional violation, substantial harm, and repeated or continuous violation.⁵⁴ We find that the multiple contest violations in this case that occurred on various dates between April 17 through July 2, 2003 with respect to the Golden Nugget Contest, and the violation on August 17, 2003 with respect to the Station Anniversary Contest, demonstrate a pattern of violative conduct with regard to the Licensee’s administration of its contests. We further find that the Station’s conduct with respect to the Golden Nugget Contest was particularly egregious, in that multiple prizes were awarded to and received by Station

⁴⁹ See *Mississippi Valley Broadcasting, Inc.*, Order on Reconsideration, 13 FCC Rcd 5891 (Mass Med. Bur. 1997) (“Whenever conducting a contest involving a co-sponsor, licensees are responsible for awarding the announced contest prize when a co-sponsor fails to do so.”).

⁵⁰ See 47 C.F.R. § 73.1216(b).

⁵¹ See 47 C.F.R. § 73.1216, Note 1(b).

⁵² See *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd. 17087, 17113 (1997), *recon. denied* 15 FCC Rcd. 303 (1999) (“*Forfeiture Policy Statement*”); 47 C.F.R. § 1.80(b).

⁵³ See 47 U.S.C. § 503(b)(2)(D).

⁵⁴ See 47 U.S.C. § 503(b)(2)(D); 47 C.F.R. 1.80(a)(4).

employees or their family members or friends.⁵⁵ Accordingly, we find that an upward adjustment of the base forfeiture amount is appropriate in this case and propose a forfeiture of \$12,000 for the Licensee's apparent violations of Section 73.1216 of the Commission's rules.⁵⁶

III. ORDERING CLAUSES

16. **ACCORDINGLY, IT IS ORDERED**, pursuant to Section 503(b) of the Communications Act of 1934, as amended,⁵⁷ and Sections 0.111, 0.311, and 1.80 of the Commission's rules,⁵⁸ that Multicultural Radio Broadcasting Licensee, LLC, is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of \$12,000 for willfully and repeatedly violating Sections 73.1216 of the Commission's rules.⁵⁹

17. **IT IS FURTHER ORDERED**, pursuant to Section 1.80 of the Commission's rules, that within thirty (30) days of the release of this Notice, Multicultural Radio Broadcasting Licensee, LLC, **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

18. Payment of the forfeiture must be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission. The payment **MUST INCLUDE** the FCC Registration Number ("FRN") and the NAL/Acct. No. specified in the caption of this NAL. Payment by check or money order may be mailed to Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank /LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Pittsburgh, and account number FCC/ACV 9116229.

19. The response, if any, must be mailed to Hillary S. DeNigro, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W, Room 4-C330, Washington, D.C. 20554 and **MUST INCLUDE** the NAL/Acct. No. referenced above.

20. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the respondent submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted

⁵⁵ See *WMGO Broadcasting*, Notice of Apparent Liability for Forfeiture, DA 07-959 (rel. Inv. & Hrgs. Div March 2, 2007) (The station was found to have violated Section 73.1206 by broadcasting telephone conversations over the air without authorization on three different dates, resulting in a proposed forfeiture of \$8,000. The proposed forfeiture was based on an upward adjustment of \$4,000 that was added to a base forfeiture amount of \$4,000 for the unauthorized broadcast of a telephone conversation) (petition for recons. pending).

⁵⁶ See 47 C.F.R. § 73.1216. See also *Forfeiture Policy Statement; Clear Channel Broadcasting Licenses, Inc.*, Notice of Apparent Liability for Forfeiture, 21 FCC Rcd 6808 (EB 2006) (imposing \$6,000 forfeiture for violation of Section 72.1216 in a single contest) (forfeiture paid); *AMFM Radio Licenses LLC, et al*, Notice of Apparent Liability for Forfeiture, 19 FCC Rcd 5005 (2004) (maximum forfeiture imposed for each of multiple indecency rule violations) (forfeiture paid).

⁵⁷ See 47 U.S.C. § 503(b).

⁵⁸ See 47 C.F.R. §§ 0.111, 0.311 and 1.80.

⁵⁹ See 47 C.F.R. §§ 73.1216, 1.17 and 73.1015.

accounting practices (“GAAP”); or (3) some other reliable and objective documentation that accurately reflects the respondent’s current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

21. Requests for payment of the full amount of the NAL under an installment plan should be sent to: Associate Managing Director – Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554.⁶⁰

22. **IT IS FURTHER ORDERED** that the complaint filed by the Complainant **IS GRANTED** to the extent indicated herein, and the complaint proceeding **IS HEREBY TERMINATED**.⁶¹

23. **IT IS FURTHER ORDERED** that a copy of this Notice shall be sent, by Certified Mail/Return Receipt Requested, to Multicultural Radio Broadcasting Licensee, LLC, 449 Broadway, New York, NY 10013, and to its counsel, Mark Lipp, Esq., Wiley Rein & Fielding LLP, 1776 K Street, NW, Washington, D.C. 20006 .

FEDERAL COMMUNICATIONS COMMISSION

Hillary S. DeNigro
Chief, Investigations and Hearings Division
Enforcement Bureau

⁶⁰ See 47 C.F.R. § 1.1914.

⁶¹ For purposes of the forfeiture proceeding initiated by this *NAL*, Multicultural Radio Broadcasting Licensee, LLC shall be the only party to this proceeding.